

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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|----------------------|---|------------------------------------|
| DEREK KIRK, |) | 3:13-CV-0490-MMD (VPC) |
| |) | |
| Plaintiff, |) | <u>MINUTES OF THE COURT</u> |
| |) | |
| vs. |) | March 25, 2015 |
| |) | |
| KEN FURLONG, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

This is a civil rights action brought by pro se prisoner plaintiff Derek Kirk. Plaintiff initiated this action in September 2013 by filing a motion for leave to proceed *in forma pauperis* ("IFP") (#1). Upon screening by the court pursuant to 28 U.S.C. § 1915 in November 2013, plaintiff was granted IFP status, and his complaint was dismissed without prejudice (#4). Judgment was entered accordingly (#6), and the case was closed.

Plaintiff filed a motion for relief from judgment (#7) which was granted in May 2014, and plaintiff was given the opportunity to file an amended complaint (#10). Plaintiff's amended complaint was screened in November 2014 (#14). Plaintiff was permitted to proceed on his First Amendment claim only, and plaintiff was given instructions on how to complete service by the U.S. Marshal. *Id.*

Since this action began in September 2013, plaintiff has been incarcerated at four separate detention facilities: 1) Carson City Detention Center, 2) Northern Nevada Correctional Center, 3) Lovelock Correctional Center, and 4) High Desert State Prison (#s 3, 8, 9, 16). Plaintiff is now seeking an extension of time to complete service of process (#17) because of the difficulties receiving mail from the court and access to his legal paperwork during his transfers. Plaintiff's motion (#17) is **GRANTED** as follows:

The Clerk shall **ISSUE** summonses for defendants **Carson County, Carson County Sheriff's Department, Carson City Sheriff Ken Furlong and Carson City Captain of Police Donald White** and send the same to the U.S. Marshal together with four copies of the amended complaint (#13) and four copies of this order. The Clerk shall **SEND** to plaintiff four USM-285

forms. Plaintiff shall have until **Wednesday, April 8, 2015** to complete the USM-285 service forms and return them the U.S. Marshal at 400 S. Virginia Street, 2nd Floor, Reno, NV 89501 for service.

If plaintiff fails to follow this order, the defendants will be dismissed for failure to complete service of process pursuant to Fed.R.Civ.P. 4(m). No further extensions of time shall be granted.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk